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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,747	12/21/2001	Naoki Tsuchitoi	35.C16061	5260

5514 7590 03/10/2006

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EXAMINER

BARQADLE, YASIN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,747

Applicant(s)

TSUCHITOI, NAOKI

Examiner

Yasin M. Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/08/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 11-20,31-40,51-53 and 55-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,21-30,41-50 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/02, 7/05, 1/06</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed on December 08, 2005 have been fully considered but are not deemed persuasive.

Applicant's election with traverse of group I in the reply filed on December 08, 2005 is acknowledged. The traversal is on the ground(s) that Groups I and II are generally directed to the field of art concerning management of external processing devices. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I and II. Therefore, concurrent search and examination of all claim of Groups I and II can be made without serious burden. This is not found persuasive because Claims 1-10, 21-30, 41-50 and 54 of group I, drawn to information management apparatus for transmitting data indicating information on a device to an external apparatus, including two types of data indicating information on a device: one is dependent on a machine kind of the device and the other is not. Classified in class 709, subclass 223 and claims 17-18, 37-38, 52 and 56 of group II, drawn to an information management apparatus for transmitting document data indicating equipment construction information and displaying the equipment construction information at an external apparatus, classified in

Art Unit: 2153

class 715 subclass 734 are unrelated. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, inventions group I and group II has separate utility such as an information management apparatus for transmitting data indicating information on a device to an external apparatus, including two types of data indicating information on a device: one is dependent on a machine kin of the device and the other is not, which is not required with the information management apparatus for transmitting document data indicating equipment construction information and displaying the equipment construction information at an external apparatus comprising a control unit adapted to control so that a notation for acquiring from said information management apparatus data indicating the equipment construction acquired by said acquisition unit and wherein the notation is described in a predetermined language, and if the equipment construction does not meet the conditions corresponding to the notation the notation is not included in the document data and the document data without the notations is

Art Unit: 2153

transmitted to the external apparatus of group II and vice versa. Particularly the application as amended in groups II includes limitations that were never addressed in the original claims (see the underlined limitations above). Therefore, new search will be required.

1. Because the inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. Because the inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper..

The requirement is still deemed proper and is therefore made **FINAL**.

Response to Argument

Applicant's arguments regarding claim 1 (Remarks July 11, 2005) that "Mukaiyama, does not disclose a storage unit used to store data indicating information on a device as in present invention. Specifically, the present invention includes the features that the stored data (a) is not dependent on the device kind and (b)

Art Unit: 2153

is not acquired from the device." Examiner notes that Mukaiyama, in addition to the device dependent information admitted by the Applicant (page 16, second paragraph), discloses a storage unit used (fig. 6, elements 212 and fig. 7, storing part 25) to store data indicating information on a device where the stored data (a) is not dependent on the device kind and (b) is not acquired from the device (fig. 8 and 12 show independent machine kind information col. 8, lines 39-67 and col. 9, lines 27-47), where data is acquired from storing part 25)

- Claims 11-16, 19-20, 31-36, 39-40, 51, 53, 55 and 57 are canceled
- Claims 17-18, 37-38, 52 and 56 are withdrawn.
- Claims 1-10, 21-30, 41-50 and 54 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2153

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, 21-30, 41-50 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukaiyama et al. U.S. Patent No. (6631407).

As per claim 1, Mukaiyama et al teach an information management apparatus (fig. 1, management server 20) for transmitting data indicating information on a device to an external apparatus (status information received by management server 20 is transmitted to device 30), comprising:

a storage unit (fig. 6, elements 212 and fig. 7, storing

Art Unit: 2153

part 25), adapted for storing data indicating information on the device, the stored data being not dependent on a machine kind of the device (fig. 8 and 12 show independent machine kind information) ;

an acquisition unit, adapted for acquiring the data from said storage unit (fig. 6, elements 212 contains html data and image data. See also storing part 25) when the data to be transmitted to the external apparatus is not dependent upon the machine kind of the device (fig. 8 and 12 show independent machine kind information col. 8, lines 39-67 and col. 9, lines 27-47), and acquiring the data indicating information on the device from a storage unit (HDD 114) in the device when the data to be transmitted to the external apparatus is dependent upon the machine of the device (machine dependent information includes model names, MAC addresses, IP addresses, etc. for devices 10, col. 2, lines 1-7 and col. 5, lines 35-54); transmission control unit controlling so that the data acquired by said acquisition unit may be transmitted to the external apparatus when the data stored in said storage unit of said information management apparatus is not acquired from the device

"The Web server part 22 (see FIG. 7) processes HTTP requests from the client devices 30. For example, when receiving a request for a file in the storing part 25, the Web server part

Art Unit: 2153

22 reads out the corresponding file from the storing part 25.

Then, the Web server part 22 attaches a header to the file, and returns it to the client device 30 that has sent the request.

When receiving a request of a specific type, the Web server part 22 passes the request to the screen data generating part 23.

Then, the Web server part 22 attaches a header to data that are returned by the screen data generating part 23 in response to the request, and returns it to the client device 30 that has sent the request." (Col. 9, lines 1-18 and 27-47).

As per claim 2, Mukaiyama et al teach the information management apparatus according to claim 1, wherein when the data is dependent upon the machine kind of the device said acquisition unit transmits a request of data to the device, and receives the data from the device (col.2, 1-7 and col. 7, lines 7-38).

As per claim 3, Mukaiyama et al teach the information management apparatus according to claim further comprising:

judgment unit, adapted to transmit data in response to a request from said external apparatus, and to judge on the basis of data identification information included in the request, as to whether the requested data is stored in said storage unit in

Art Unit: 2153

said information management apparatus or stored in the storage unit in the device (col. 2, 1-41; col. 6, lines 42-61; col. 7, lines 7-38 and col. 9, lines 1-18 and 27-47), wherein, accordance with a judgment result by said judgment unit, said acquisition unit acquires the data from said storage unit in said information management apparatus or the storage unit in the device (fig. 3 and fig. 7 and col. 7, lines 35 to col. 8, line 11).

As per claim 4, Mukaiyama et al teach the information management apparatus according to claim 3, wherein the data identification information is a path name (col. 6, lines 35-54), and said judgment unit judges, on the basis of a directory part included in path name, as to whether the requested data is stored in said storage said information management apparatus or stored in the storage unit in the device (col. 6, lines 35-54; col. 5, lines 35-54 col. 9, lines 1-47).

As per claim 5, Mukaiyama et al teach the information management apparatus according to claim further comprising:

judgment unit adapted to judge, on the basis of a list indicating the data dependent upon the machine kind of the

Art Unit: 2153

device (col. 5, lines 35-65), as to whether the data is stored in said storage unit in said information management apparatus or stored in said storage unit in the device, wherein, in accordance a judgment result by said judgment unit, said acquisition unit acquires the data from said storage unit in said information management apparatus or said storage unit in the device (col.2, 1-41; col. 6, lines 42-61 and col. 9, lines 1-47. see figs 3-5).

As per claim 6, Mukaiyama et al teach the information management apparatus according to claim wherein the identification information is URL-inscribed (col. 5, lines 35-65 and col. 10, lines 8-29).

As per claim 7, Mukaiyama et al teach the information management apparatus according to claim 1, wherein the data is transmitted to said external apparatus, based on HTTP (col. 9, lines 1-31 and col. 12, lines 32-42).

As per claim 8, Mukaiyama et al teach the information management apparatus according to claim 1, wherein a network board is attached to the device (fig. 6, shows network board 216 and

Art Unit: 2153

connection 40. See also fig. 4, 301 and connection 40 and col. 7, lines 7-38).

As per claim 9, Mukaiyama et al teach the information management apparatus according to claim 1, wherein the data is requested from said external apparatus, based on document data for display for displaying information on the device by browser (col. 5, lines 35-65 col. 9, lines 1-18 and 27-47).

As per claim 10, Mukaiyama et al teach the information management apparatus according to claim wherein the device is a laser beam printer (device 10, fig. 1).

As per claims 21, 41, and 54, these claims include similar limitations as claims 1 above. Therefore, they are rejected with the same rationale.

As per claims 22 and 42, Mukaiyama et al the invention, wherein when said data is dependent upon the machine kind of said device said acquisition means transmits a request of said data to said device, and receives said data from said device col.2, 1-7 and col. 5, lines 35-54).

Art Unit: 2153

As per claims 23,43 and 45, Mukaiyama et al the invention further comprising:

judgment means for judging, on the basis of a list indicating said data dependent upon the machine kind of said device (col. 5, lines 35-65), as to whether said data is stored in the storage unit in said information management apparatus or stored in the storage unit in said device, wherein, in accordance a judgment result by said judgment means, said acquisition means acquires said data from the storage unit in said information management apparatus the storage unit in said device (col.2, 1-7; col. 6, lines 42-61 and col. 5, lines 35-54. see figs 3-5).

As per claims 24,25 and 44, Mukaiyama et al the invention, wherein said identification information path name (col. 6, lines 35-54), and said judgment means judges, on the basis of a directory part included in said path name, as to whether said data is stored in the storage said information management apparatus or stored in the storage unit in said device (col. 6, lines 35-54 and col. 5, lines 35-54).

Art Unit: 2153

As per claims 26 and 46, Mukaiyama et al the invention, wherein said identification information is URL-inscribed (col. 5, lines 35-65 and col. 10, lines 8-29).

As per claims 27 and 47, Mukaiyama et al the invention, wherein said data is transmitted to said external apparatus, based on HTTP (col. 9, lines 1-31 and col. 12, lines 32-42).

As per claims 28 and 48, Mukaiyama et al teach the information management apparatus according to claim 21, wherein a network board is attached to the device (fig. 6, shows network board 216 and connection 40. See also fig. 4, 301 and connection 40 and col. 7, lines 7-38).

As per claim 29 and 49, Mukaiyama et al the invention, wherein said data is requested from said external apparatus, based on document data for display for displaying information on said device by browser (col. 5, lines 35-65 col. 9, lines 1-18 and 27-47).

As per claim 50, Mukaiyama et al teach the information management apparatus according to claim 41, wherein the device is a laser beam printer (device 10, fig. 1).

Conclusion

1. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are

Art Unit: 2153

703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153



KRISNA LIM
PRIMARY EXAMINER